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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,548	07/03/2003	James A. Stevens	5142-001	6693
24112	7590	09/13/2005		
COATS & BENNETT, PLLC P O BOX 5 RALEIGH, NC 27602			EXAMINER LE, TAN	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/613,548

**Applicant(s)**

STEVENS ET AL.

**Examiner**

Tan Le

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6/13/0 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-55 is/are pending in the application.
- 4a) Of the above claim(s) 24-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-23 and 34-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is the second office action for serial number 10/613,548. This application contains 54 claims numbered 1-9 and 11-55. Claim 10 has been canceled. Claims 24-33 were withdrawn.
2. Applicant's amendment to drawings filed 6/13/05 is approved and amendment to specification has been considered.
3. Applicant indicates in the amendment filed 6/13/05) that the claims are not direct combination but rather to the reinforcing system itself (subcombination only) (Pages 17-18 of the Remarks). The claims in this office action will be treated as a subcombination in view of the statement of record. Since the existing tower is not a positive limitation/part of the claims, therefor any language associated with the existing tower will not be considered as a positive limitation/part in the claims.

### ***Claim Rejections - 35 USC § 102***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 7-8, 9, 11, 14-15, 16-23, 34-44, 45-55 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,108,996 to McGinnis.

Regarding claims 1-3, 9, 11, McGinnis teaches an assembly (31) for reinforcing an existing tower, the assembly comprising: a plurality of reinforcing legs (33) (Fig. 1) having a bearing plates configured at each end (no numeral, see on top of Figure 1, connected by bolt 45, for example); and a plurality of braces (35).

Regarding claim 4, wherein the reinforcing legs include shim joints (43) for accommodating tower dimensional variances by adjusting nominal lengths of the reinforcing legs

Regarding claim 7, wherein the plurality of reinforcing legs further comprise at least a set of reinforcing legs for each section of the existing tower to be reinforced.

Regarding claim 8, wherein the plurality of braces comprises at least a set of braces for each pair of reinforcing legs in a set of reinforcing legs and wherein there is provided a set of reinforcing legs for each section of the existing tower to be reinforced.

Regarding claims 14-15, McGinnis also teaches one or more bridge sections (39 for example)

Regarding claim 16, wherein the reinforcing legs each comprise one or more rigid reinforcing leg sections, and wherein consecutive reinforcing leg sections of a given reinforcing legs are rigidly interconnected to achieve a desired length.

Regarding claim 17, wherein one or more of the reinforcing legs comprises two or more rigid reinforcing leg sections interconnected via bridging members (57).

Regarding claims 18-19, wherein the reinforcing legs each comprise a corner member that wraps around adjacent tower faces to thereby provide mounting faces running lengthwise on either side of the leg of the existing tower.

Regarding claim 20, wherein the braces include mounting points that align with one or more of the mounting holes in the corresponding mounting faces of the pairs of reinforcing legs.

Regarding claim 21, further comprising a guy pull-off accessory (81, 83, 93, 99) configured to mount to a reinforcing leg rather than to a leg of the existing tower.

Regarding claim 22, McGinnis further comprising a boom gate mount (143) (see other embodiment of Fig. 9, for example) configured to mount to a reinforcing leg rather than a leg of the existing tower.

Regarding claim 23, wherein the reinforcing legs comprise lengths of angled plate material, and wherein each reinforcing leg is configured to at least partially fit around a tower leg to which it is mounted.

Claims 34-44, 45-55 recited structural limitations similar to those recited in claims 1-4, 7-8, 9, 11, 14-15 and 16-23 are therefore also disclosed by McGinnis

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGinnis.

McGinnis teaches substantially as claimed as discussed above except for the cross braces sections that can be adjustable by having brace section jointed by sleeve nuts. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the brace section adjustable by having section members joined by sleeve nuts, since it has been held that the provision of adjustability, where

needed, involves only routine skill in the art. In re Stevens, 101 USPQ 284 (CCPA 1954)

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGinnis in view of US Patent No. 6,745,539 to Heim.

McGinnis teaches substantially as claimed as discussed above except for each bearing plate comprising substantially flat plate (14, 16, 18, 20) attached normal to a long axis of the reinforcing leg to allow the bolt receiving apertures are in parallel alignment with braces and to allow the upper and lower ends of the braces to be attached to the reinforcing legs in close proximity with bearing plates, preventing braces pattern interruption, while facilitating wrench access to mounting bolts.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have replaced the bearing plate attached parallel to the longitudinal axis of the reinforcing legs of McGinnis with a flat bearing plate attached normal to a long axis of the reinforcing leg as in Heim in order to allow the bolt receiving apertures are in parallel alignment with braces; and to allow the upper and lower ends of the braces to be attached to the reinforcing legs in close proximity with bearing plates, preventing braces pattern interruption, while facilitating wrench access to mounting bolts as taught in Heim.

### ***Response to Arguments***

6. Applicant's arguments filed 6/13/05 have been fully considered but they are moot in view of the new grounds of rejection.

***Conclusion***

**THIS ACTION IS MADE Non-FINAL.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818.


The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le  
September 2, 2005.



ANITA KING  
PRIMARY EXAMINER